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INTERNATIONAL CONVENTION AND CODE OF CONDUCT ON THE RIGHT TO FOOD

-Report on the Roundtable Discussion-

March 1997

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International Convention and Code of Conduct on the Right to Food

Saskatoon, Saskatchewan
March 21 and 22, 1997

Context

The World Food Summit (WFS) was an important event for Canadian civil society and the Government of Canada. Together with governments from around the world, Canada committed itself to implementing the WFS Plan of Action aimed at resolving the issues of food insecurity currently affecting an estimated 840 million people.

In events prior to and during the WFS Canadians expressed a high level of interest and commitment to ensure effective follow-up to the WFS. The WFS Plan of Action and the NGO Statement on World Food Security are both based on the premise that access to food is a basic human right. The Canadian government was a recognized and strong advocate of the right to food at the WFS. Our biggest challenge now is to develop effective mechanisms to ensure that people's right to food is realized.

Introduction

Currently, two concrete mechanisms to ensure the implementation of the right to food are being discussed at an international level. These are: the establishment of an International Sustainable Food Security Convention and an International Code of Conduct on the Right to Adequate Food.

On March 21 and 22, 1997 a Round Table Discussion was held in Saskatoon -- organized primarily by representatives who had attended the WFS -- which effectively allowed participants to: 1) learn about the work that had already been done internationally on the convention and the code of conduct, 2) explore the feasibility of working towards establishing an International Sustainable Food Security Convention and an International Code of Conduct on the Right to Food, and 3) insert the Canadian perspectives into the international dialogue on establishing an International Sustainable Food Security Convention and an International Code of Conduct on the Right to Food.

Participants

The two-day session involved 31 participants from across the country who represented a broad range of constituencies concerned about food security. The groups included farmers' (includes youth and women), church, aid and development organizations as well as academics and government representatives and two international experts on the convention and code of conduct.

Overview of the round table discussion

The round table discussion focussed on two concepts - the Code of Conduct on the Right to Adequate Food and the Sustainabale Food Security Convention. In each case, there was a two-hour presentation by the resource person and concrete examples of violations of the right to food were presented to allow the concepts to come alive in ways that would be supported by a very broad cross section of Canadian society. This was followed by a half-day workshop for critical review and suggested refinement. The round table discussion ended with a plenary session to: summarize and define areas of concurrence; identify potential values of further developing both concepts in the Canadian context; and make recommendations for implementation of food security policy at an international level.

International Code of Conduct on the Right to Food

The Code of Conduct is a text developed following the Rome Summit. Representatives from Chile, Venezuela and France identified the need to develop specific mechanisms to ensure that the right to food was realized. FIAN, a European-based NGO dedicated to advancing the right to food, in consultation with the World Alliance for Nutrition and Human Rights, developed the first draft of the Code of Conduct. As a result of the feedback received from a great number of organizations we are now looking at the third draft of the Code of Conduct. (Please refer to the attached draft).

The International Code of Conduct on the Right to Food is a non-binding document which helps define the roles and responsibilities of governments, intergovernmental agencies and the private sector to protect, respect and fulfill the right to food. The concept of the Code of Conduct was mandated in Objective 7.4 of the Plan of Action of the WFS.

The participants at the Saskatoon meeting agreed that the Code of Conduct has the potential to: 1) improve understanding of the implications of food as a human right, 2) delineate responsibilities for ensuring that food as a right is potentially realizable, and 3) create the possiblity for action on the right to food.

International Convention on the Right To Food

Although the Sustainable Food Security Convention is not as tightly defined as the Code yet, it was deemed to warrant further investigation and development. A number of negative effects of a totally liberalized trade environment were identified and there was widespread support in the group for exploring the merit of the convention as one of the tools necessary to provide protection to vulnerable groups. Participants stressed the importance of the proposals contained in the convention for the development of grain reserves and special exemptions from trade requirements when food security is considered to be at risk. Participants agreed on a number of issues that needed further study and proposed steps to advance further examination of the convention within Canada.

Conclusions and Recommendations

Participants in the Saskatoon meeting emerged feeling better educated and empowered to advance the cause of hunger alleviation. The energy and ideas from the Saskatoon meeting provide valuable building blocks for the development of Canada's Plan of Action for Food Security.

Participants concluded that Canada has an important role to play in ensuring that the right to food becomes a respected, enforceable right for all people. Both the code of conduct and convention were deemed to have merit. Participants felt that specific text was needed to ensure in-depth discussion and further consideration of the convention.

Given that the Code of Conduct is further advanced, it was identified as having greater potential as well as a more immediate and concrete role to play in advancing Canada's position that food is a fundmental human right. As trade has made nations less able to advance economic and social rights unilaterally, the Code provides an opportunity to work on and advocate solutions at a global level while clearly defining doable actions for nation states. The Code of Conduct was seen as an attainable and potentially useful instrument to ensure that the right to food is exercised. Participants accepted the concept and structure of the Code of Conduct; some specific wording changes were suggested for review.

Participants urge the Government of Canada to:

1. Actively participate in the development, refinement and implementation of the Code of Conduct within Canada.

2 Actively engage in the further development of the code and promote the adoption and implementation of the Code of Conduct at an international level with a view to defining actions to advance the right to food and thereby reducing hunger at home and abroad.

3. Accept an invitation to work with NGOs and other nations in an important meeting (scheduled for May 1-4, 1997, in Geneva) aimed at reviewing the prospects for the Code of Conduct.

4. Host a meeting, one year after the WFS, to review progress on the WFS commitment and the status of the Code of Conduct.

INTERNATIONAL CODE OF CONDUCT ON THE HUMAN RIGHT TO ADEQUATE FOOD

Third Draft by
FIAN International and
World Alliance for Nutrition and Human Rights
February 28, 1997

Outline

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PREFACE:

Recognizing the intolerable situation that more than 800 million people in the world are still not free from hunger the head of states and governments gathered at the World Food Summit in Rome in November 1996 started the "Rome Declaration" with the reaffirmation of "the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger". The promotion and implementation of the Right to Food must be a central objective of the endeavour of all states and other relevant actors to end hunger and malnutrition.

The Code of Conduct is written to renew the commitment of every actor relevant for the full gurantee of the Right to Food to strengthen the implementation of this right. The focus of this commitment must be the poor and hungry in the rapidly changing economic environment of our times.

The Right to food is a fundamental Human Right firmly established in international law. The rights flows from the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights of 1966 and has been reaffirmed in many pronouncements of the international community over the last fifty years.

The Right to Food was subsequently reaffirmed in many international documents inter alia: In the Universal Declaration on the Eradication of Hunger and Malnutrition of 1974, which confirmed that every man, woman and child has the inalienable right to be free from hunger and malnutrition in order to develop fully and maintain their physical and mental faculties, while considering that society today already possess sufficient resources, organizational ability and technology and hence the competence to achieve this objective. In the Declaration on the Rights of Disabled Persons of 1975, the provisions of the Convention on the Elimination of all Forms of Discrimination against Women of 1979, the Declaration on the Right to Development of 1986, and also the Declaration of the Rights of the Child of 1959 and the Convention on the Rights of the Child of 1989 recognizing the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development. In the ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

Moreover, the Right to Food - or aspects of it - was recognized and reaffirmed at many international gatherings and summits and their outcomes like: the World Food Conference of 1974, the Declaration of Principles and Programme of Action of the World Conference on Agrarian Reform and Rural Development of 1979, the New York Summit on Children of 1990, the International Conference on Nutrition of 1992, the Vienna Declaration and Programme of Action of the World Conference on Human Rights of 1993, the Copenhagen Declaration and Programme of Action of the World Summit for Social Development of 1995, the Beijing Conference on Women of 1995, the Rome Declaration on World Food Security and the World Food Summit Plan of Action of 1996.

While the Right to Food is firmly established as a fundamental human right, it needs to be further articulated to facilitate its implementation. The Rome Declaration and the Plan of Action offers a milestone opportunity for this endeavour. In objective 7.4 the Plan of Action invites the "UN High Commissioner for Human Rights, in consultation with relevant treaty bodies, and in collaboration with relevant specialized agencies and programmes of the UN system and appropriate intergovernmental mechanisms, to better define the rights related

to food in Article 11 of the Covenant [on Economic, Social and Cultural Rights] and to propose ways to implement and realize these rights as a means of achieving the commitments and objectives of the World Food Summit, taking into account the possibility of formulating voluntary guidelines for food security for all."

The Code of Conduct is written with conviction that there are more than enough resources available to eradicate hunger and malnutrition and that hunger and malnutrition are almost always a result of unemployment and poverty. Therefore, the right to food means, first of all, the right to feed oneself and the right to social security, whereby the right to feed oneself underlines the importance of access to productive resources.

The Code of Conduct - as a set of voluntary guidelines - will clarify the content of the Right to Food and the responsibilities of all actors concerned in ensuring its full realisation in the changing context of the hunger situation emerging from new challenges, opportunities and risks presented by the unprecedented advances in technology, the changing role of institutions at the national and international levels, and the opening of borders in an increasingly global world. The Code of Conduct on the Right to Food will provide a guide for the conduct of the international community, states and all relevant actors in civil society in better focusing their policies and action for the hungry. While the Code will not be legally binding it shall provide a source for drawing up legislation at both national and international levels.

Moreover, the Code of Conduct will strengthen the Plan of Action adopted by the World Food Summit in November 1996 in Rome by providing an ethical foundation and legal guidance for its implementation.

PART I.
NATURE, SCOPE, OBJECTIVES

Article 1: Nature and Scope of Application of the Code

1.1 The Code provides principles and guidelines for domestic and international implementation of the Right to adequate Food.

1.2 The Code is global in scope and directed to all members of the United Nations, national, sub-regional, regional and global organisations, whether governmental or non-governmental, the actors of the business community as well as of civil society.

1.3 The Code is voluntary. However, it contains provisions that have already been given legal effect by means of international instruments including the International Covenant on Economic, Social, Cultural Rights.

Article 2: Objectives of the Code

The objectives of the Code are to contribute to the full implementation of the Right to adequate Food as contained in Article 11 of the International Covenant on Economic, Social and Cultural Rights (Covenant) and relevant provisions of other international and regional instruments. To this end it will

(a) serve as an instrument of reference to help states and intergovernmental organisations to establish or to improve the legal and institutional framework required for the realization of the right to food,

(b) establish principles and guidelines for intergovernmental organisations,

(c) provide standards of conduct for all non-state-actors like the business community and other sectors of civil society and serve as an instrument of reference to help them contribute to the realization of the right to adequate food.

Article 3: Relationship with other International Instruments

3.1 The Code is to be interpreted and applied in conformity with the relevant rules of international law and in the spirit of the Rome Declaration on World Food Security and the World Food Summit Plan of Action of 1996.

3.2 Nothing in this Code prejudices the rights and duties of States under international law relevant to the right to adequate food.

Part II:
NORMATIVE CONTENT

Article 4: Normative Content

4.1 The right to adequate food means that every man, woman and child has physical and economic access at all times to adequate food or a resource base appropriate of its aquisition in human dignity.

4.2 The realization of the right to adequate food requires

(a) the availability of food in quantity and quality which can satisfy the dietary needs of individuals according to age, physiological status, occupation and cultural preferences and which is free from adverse substances;
(b) the accessibility of such food in ways that do not undermine the statisfaction of other human rights.

4.3 The full enjoyment of the right to adequate food is dependent upon complementary measures in the fields of education, health and care.

4.4 The right to adequate food is a distinct part of the right to an adequate standard of living.

Article 5: Principles of Implementation:

5.1 In accordance with Articles 55 and 56 of the Charter of the United Nations it is incumbant upon States to take joint and seperate action to advance the respect and observance of Human Rights including the right to adequate food.

5.2 Non-state actors shall not interfere with the enjoyment of the right to adequate food.

5.3 All State Parties to the Covenant on Economic, Social and Cultural Rights have the obligation to begin immediately to take steps to fulfil their obligations under the Covenant. The obligation to achieve progressively the full realisation of the right to food requires State Parties to move as expeditiously as possible towards its realisation.

5.4 As all other human rights the right to adequate food impose three different types of obligations on States: the obligation to respect, protect and facilitate/fulfill. Failure to perform any one of these three obligations constitues a violation of such rights.

5.5 The realisation of the right to food is inseparable from social justice requiering appropriate economic and social policies at national and international levels.

5.6 The human right to food must be guaranteed without discrimination as to a national or social origin property, race, sex, language, religion, political or other opinion.

5.7 Food must never be used as a weapon to gain political or military advantage either within a state or as an instrument of foreign policy.

PART III.
IMPLEMENTATION AND ACTION

Section A: State Obligations

Article 6: State Oligations

6.1 Duty to respect / Respect-bound obligations
In recognition of their duty to respect the right to adequate food under any circumstances for everyone under their jurisdiction states should respect existing physical and economic access to adequate food or to a resource base appropriate for the acquisition of such food. The obligation to respect means that the state must not take political or other measures destroying existing access to food of certain parts of the population, such as:

(a) the forcible eviction or resettlement of people from land they are living on or cultivating without a fair hearing and equivalent compensation.

(b) the denial of access to markets to people depending upon this access for their livelihoods;

(c) the blocking of food transportion into vulnerable areas or for vulnerable people.

6.2 Duty to Protect / Protection-bound Obligations
States have the duty to protect everyone under their jurisdiction from having their access to food being destroyed by a third party. The obligation to protect includes the State's responsibility to ensure that private entities or individuals, including transnational cooperations over which they exercise jurisdiction, do not deprive individuals of their right to adequate food. This involves the protection of the freedom of action and the use of resources against others subjects, through inter alia the adoption of legislation and administrative measures protecting the access to adequate food.

6.3 Duty to fulfill / Fulfillment-bound Obligations
In recognition of their duty to fulfill the right to food (the normative content), i.e. to facilitate and aid those who do not have sufficient access to productive resources, states are obliged to fulfill the right to food by using the maximum of available resources. This duty exists also for those residents, which are victims of natural or other disasters. States shall fulfill the right to food

(a) firstly by identifying the deprived people or especially vulnerable groups, i.e. those suffering from hunger and malnutrition under their jurisdiction through dialogue and participation of the deprived groups;

(b) secondly by facilitating opportunities allowing people or groups to gain access to food or food producing resources and possibilities; this requires
designing an Economic Security Policy at macro and mirco levels to to facilitate opportunities for the people, allowing them to gain access to food producing resources or an income, which allows access to food and to overcome the vulnerability of the deprived groups;

creating a system enabling the deprived or those otherwise unable to satisfy their food needs by themselves or by facilitating opportunities to realise their food needs;
by monitoring over time the results of all the policy measures taken.

(c) thirdly by providing assistance (food or other resources that can be used to get

food) to especially vulnerable sectors of the society, like long term unemployed, elderly, children, disabled, which cannot use facilitating opportunities;

(d) forthly by providing food or resources that can be used to get food to victims of natural or other disasters.

(e) All this shall be done by enabling a structure for consultation and negotiation ensuring that all actors have the right to participate in the formulation, implementation and evaluation of proposals to advance the right to food at the local, national and international level.

Commentary:
A breach of a fulfillment-bound obligation entailing a violation of the right to adequate food occurs inter alia:

(1) if steps to the maximum available resources are not taken;

(2) if Self-Employment Programmes like agrarian reforms and other serious attempts to offer self-employment to each interested person are lacking or if there are severe shortcomings not due to a lack of resources in any of these programmes;

(3) if minimum wage legislation does not exist or is not enforced or if minimum wages do not cover both the adequacy line and basic needs;

(4) if macro economic policies like investment or trade rules are diminishing peoples ability to have access to productive resources or gain normal income form the use of their resources.

(5) if the state is not adequately monitoring the situation of vulneralbe groups and the impact of polices and programmes;

(6) if especially vulnerable groups are not identified or ignored or if policies and programmes are discriminatory;

6.4 Principle Duties in Case of Resource Constraints
A minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of the right to food is incumbent upon every State. Even in times of severe resources constraints whether caused by a process of adjustment, of economic recession, or by other factors the vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes. The obligation to devise strategies and programmes for the promotion of the right to food, that is the duty to engage in a principled policy-making process, is not in any way eliminated as a result of resource constraints.

Article 7: International State Obligation:

7.1 States recognise the essential role of co-operation in facilitating the full realisation of the right to food which is underlined by the Rome Declaration of the World Food Summit and the specific provisions contained in articles 2 (1), 11, 15, 22 and 23 of the ICESCR. Therefore states reaffirm their commitment to actively promote the right to food in international co-operation. Part of this are the duties to respect, protect and fulfill the right to food at the international level:

7.2 States shall not violate, or assist in violating the right to food outside its own

territory, because they are than failing its duties both to the victims of the deprivation and, as an agent with service duties, to its own population.

7.3 States shall regularly identify possible victim groups related to the right to food of measures outside its own territory in both situations: if the states are self-responsible or other actors from their own territory are responsible for the measures

7.4 States shall facilitate through its international policy measures and programmes the situation of vulnerable groups with respect of the right to food. They shall assist countries which are unable to fulfill all levels of obligations to the right to food in a way that the right is guranteed for all, by providing the necessary financial or other means;

7.5 In situations of emergency the states shall comply with it obligations from the food aid regime, including the obligations related with international food aid and emergency distribution as well as an international storage system that shall be a sum of efforts to secure that food can be made quickly availalbe form somewhere in the case of emergencies.

Section B: Non-State responsibilities:

Article 8: Nature of responsibility for different actors

8.1 Intergouvernmental Organizsations:
Intergovernmental Organizations (hereafter IGOs) are international state authorities that have been created by a community of states (the members to this IGO) in order to facilitate joint activities of the member states.

(a) IGO relevant for the implementation of the right to adequate food include UN bodies, UN funtional Commissions and their Committees and Working Groups as well as relevant UN agencies and programmes, those speciallized agencies working with food or nutrition issues, the International Financial Institutions and the World Trade Organisation.

(b) In so far as the right to freedom from hunger is part of international common law are IGOs directly duty-bound under international law to observe the corresponding obligations. An IGO must never pressurize a state or other IGO to violate the human right to food.

(c) IGOs are accountable under the human right to food and should submit to similar standards of transparency, public control and freedom of information as individual states. IGOs must not take any measure which would presuppose a violation of the ICESCR by any of its member states duty-bound under the ICESCR. As the measures of an IGO are based on decisions of its member states according to certain voting mechanisms this implies for IGOs with a majority of votes held by states parties to the ICESCR that no measures contrary to the states obligations under ICESCR must be taken. Those IGOs are therefore duty-bound as a consequence of international treaty law to respect, protect and fulfill people's access to adequate food and to the productive resources necessary to feed themselves.

(d) Nothing in the international treaties establishing IGOs or regarding other international matters like international finance and trade shall be construed to override the obligations of IGOs under the right to adequate food.

8.2 Civil Society
This code applies to all actors in civil society, like individuals and organisations,

(a) especially to People's/community based organisations and non-governmental organisations involved in development and/or human rights advocacy and/or operational activities (hererunder especially trade unions and rural workers' organisations, agricultural producers' and farmers' associations, Co-operatives and Women's organisations.

(b) This code is as well as universally applicable to all actors in the business community, including enterprises , irrespective of their country of origin and their ownership, including private, public or mixed, comprising one, two or more entities in one, two or more countries, regardless of the legal form and fields of activitiy of the respective entity or entities, which operate under a system of decision-making, permitting coherent policies and a common strategy through one or more decision-making centres, in which, in the case of more than one entity, the entities are so linked, by ownership or otherwise, that one or more of them may be able to exercise a significant influence over the activities of others and, in particular, to share knowledge, resources and responsibilities with others.

(c) Enterprises are (morally) obliged to fully respecting internationally recognised human rights standards, including in particular the right to food, as stated in the Universal Declaration of Human Rights and the two corresponding international covenants adopted by the General Assembly of the United Nations.

Part IV:
MEANS AND METHODS OF IMPLEMENTATION:

Article 9: Means of Implementation and Action for States:
All States will ratify the International Covenant on Economic, Social and Cultural Rights

9.1 Production-Related Action:
Such legislation and measures at the national level include:
(a) States will establish or improve land registry and dispute settlement mechanisms.

(b) No forced land alienation. No forcible eviction or resettlement of people form land they are finving on or cultivating without a fair hearing and equivalent compensation. Governments will as well refrain from clearing squatters and slums without providing an alternative, and support to local initiatives and housing cooperatives.

(c) States will not destry a person's food producing resources by polluting the resources (soil, water etc.). This includes people's access to other essential inputs like seeds and fertilizers.

(d) The right to food for future generations will be protected. This means especially the safeguard of soil, fertility, biodiversity of genetic resources and climate protection.

(e) States will recognize the importance of traditional farming and social structures during agricultural programmes. States will promote the use of these traditional practices.

(f) the implementation of minimum wage policies for workers and their families.

The international obligations include measures such as:
(g) No participation in programmes or policy measures leading to resettlement without equivalent compensation.

(h) No trade embargos jeopardizing the vital food supply of the state·s population.

(i) No use of unfair terms of trade and discriminatory subsidies, which deter production or surpluses or distort their distribution;

(j) States will persue international makro economic poliicies like investment or trade rules, which are not diminishing peoples ability to have access to productive resources or gain normal income form the use of their resources.

9.2 Distribution-Related Action:
Such legislation and measures at the national level include:
(a) States will not introduce taxation at subsistence level: States will not levy taxes on people living at subsistence level.

(b) policies and programmes shall not be inefficient due to mismanagement or corruption.

(c) States will not be preventing access to markets for people depending on this access for their livelihood.

(d) People create their own emmployment as street vendors, hawkers, petty traders

etc. Governments will seek to legalize such activities and enact progressive legislation to protect them. Waste collection is a vital service. States shall support people involved in this business.

The international obligations include measures such as:
(e) States will stop dumping food or other products on local markets of vulnerable producers.

(f) States will not be involved in trade embargos jeopardizing the vital food supply of other state's population

9.3 Consumption-Related Action:
Such legislation and measures at the national level include:
(a) States will recognize the importance of traditional food patterns and shall promote them through helping in marketing and advertising

(b) States will implement food safety standards and control

(c) States will establish a legislation protecting the nutritional safety of food

(d) States will protect the consumers from nutritional disinformation (and commercial fraud).

(e) States shall not be neglecting of infrastructure for local food storage and distribution and effective working of rural and urban food systems.

The international obligations include measures such as:
(f) States shall not provide assistance (e.g. food), which is culturally not acceptable or nutritionally unsafe;

(g) States shall offer victims of their external policy measures effective complaint procedures to avoid hardship from measures taken;

Article 10: Means of Implementation and Action
for Non-State-Actors:

10.1 Intergovernmental Organisations:
An IGO can be an important tool for the community of states to implement their obligations under the right to food. In order to actively promote and facilitate states' in their measures meeting their obligations under the right to food, IGOs should in particular
(a) implement and enforce measures to prevent activities of transnational corporations and transnational finance destroying people's access to food or productive resources.

(b) support states' enabling systems meant to fulfill deprived people's access to adequate food or to productive resources, including agrarian reforms, employment guarantee programmes, employment distribution and other full employment policies, social security and minimum wages preventing absolute and relative poverty,

(c) participate in international cooperation to fully supplement the efforts of resource-poor states to establish complete enabling systems covering all of the deprived.

(d) Never must a state's act directly or indirectly (mediated through the governing body of an IGO) destroy a foreign citizen's access to food. In particular, IGOs

must not contribute to the destruction of people's access to productive resources by predatory mining or oil exploration or industrial fishing; the destruction of people's access to water, to seeds or fertilizers; the forcible eviction of peasants, nomadic people, fisherfolk, indigenous people from their lands, pastures, fishing grounds or forest resources; the prevention of access to markets for people depending on it for their livelihoods; the dumping of food on the markets of vulnerable producers, unless adequate rehabiliation of the affected person/community is guaranteed and the avoidance of such measures would cause undue hardship to the general public.

(e) States shall offer victims of their external policy measures effective complaint procedures to avoid hardship form measures taken.

10.2 Civil society:
All actors of civil society shall not contribute through personal or organized behaviour and programms of organisations to violate the right to adequate food. The business community and each enterprise need to recognize its political and economic impact on the society where it operates. The enterprise shall seek to contribute to each society's efforts to promote full human development and the realization of the right to food.

(a) All actors of civil society shall not inhibit but actively promote a distribution of food without discrimination, both within communities, but also within families.

(b) All actors of civil society shall promote and practice the necessary care in providing food to children and other vulnerable groups.

(c) All actors of civil society try to explore ways in which peasants and small farmers, in particular rural women, can have a direct input into formulating formulating agricultural policies and participate in the decision-making process concerning food and rural issues.

(d) Enterprises contructively cooperate in all efforts of the state and the community of states to carry out an ecomomic security policy, including enforcing minimum wages and 'work-for-all' policies, and to build up so-called Enabling Systems, including effective agrarian reforms and other employment programmes.

(e) Enterprises are subject to the laws, regulations and established administrative practices of the country in which it operates. Enterprises shall respect the national sovereignty of the countries in which they operate and the right of each State to exercise its permanent sovereignty over its natural wealth and resources, including property rights for agricultural products, food and biodiversity. Moreover, enterprises shall respect the right of each State to regulate and monitor accordingly the activities of their entities operating within its territory.

(f) Operations of enterprises in countries which consistently violate their human rights obligations, including their duties implied by the right to food, are reviewed annually. The enterprises seek to exercise their cooperate influence to contribute to the re-establishment of human rights and access to food for those deprived of it. In situations where this is not possible they re-examine their presence in the country and whether an investment is appropriate and justifiable.

(g) All foreign direct investment shall not be promoted or implemented by relaxing requirements of the implementation of the right to food or directly violating the right to food

(h) Enterprises subscribe to the principles expressed in the 1977 Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy adopted by the Governing Body of the International Labour Office. Enterprises do not use the

mobility of capital and the immobility of labour as a tool against workers. Enterprises shall carry out their activities in accordance with relevant international standards. Moreover, entreprises should, in performing their activities, take steps to protect the environment and where damaged to rehabilitate it and should make efforts to develop and apply adequate technologies for this purpose.

Section B: Means and Methods for Monitoring

Article 11: National framework for monitoring

11.1 All actors mentioned in this Code of Conduct, States and non states actors, intergovernmental organisations, business community, civil society and inviduals relevant for the promotion and implementation of the right to adequate food should collaborate in the fulfillment, the implementation and monitoring of the objectives and principles contained in this Code. Each State and IGO as well as leading members of the business communities and civil societies are asked to express their support for the Code of Conduct on the Right to Food. This does not imply that this Code does not refer to those not expressing this support.

11.2 States:
States shall develop and maintain an effective monitoring system for the right to adequate food, which allows to identify weaknesses in their own policies and programmes and to end violations of the right to adequate food. Therefore:

(a) States will recognize the right to adequate food in national constitutions/legislation.

(b) States shall develop an effective monitoring systems for the right to food.
This shall include:
firstly identifying the deprived people or especially vulneralbe groups; i.e. those suffering from hunger and malnutrition under their jurisdiction through dialogue and participation of the deprived groups. Identifying local problems and setting priorities for their solution is best done by vulneralbes themselves, supported by technical and other specialists acting as catalysts and resource persons.
secondly offering effective and accessible complaint procedures; these shall include ombudsman-systems and monitoring of the implementation of the right to adequate food through national human rights commissions in cooperation with nutrition institutions.
Promotional and monitoring bodies such as national ombudsman institutions and human rights commissions, shall address violations of economic, social and cultural rights in general and the right to adequate food in specific, as vigorously as they address violations of civil and political rights.

(c) States shall monitor the impact of their external policy measures (agricultural, developmental, financial, trade etc.) or measures from other actors of their jurisdiction on possible vulnerable groups in other countries with respect to the right to food.

(d) Governments shall use the existing reporting procedures at international levels (e.g. the reporting related to the International Covenant on Economic, Social and Cultural Rights) to establish national monitoring facilities, which are open to the pariticipation of all civil society actors and especially to vulnerable groups.

11.3 Non-State-Actors:
All Non-State-Actors shall cooperate in promoting the right to food through human rights education and training, and development education and training respectively.
They shall assist residents in the realization of their right to food by

(a) monitoring and promoting enforcement of existing legislation and programmes,

(b) promoting new legislation and programmes to improve implementation of the right to food.

(c) documenting and/or assisting in monitoring violations of the right to food.

(d) They shall cooperate in the identification of vulnerable groups, in particular regarding the impact of adjustment programmes or policies.

(e) They shall cooperate with governments in the preparation of reports within the framework of the International Covenant of Economic, Social and Cultural Rights

(f) Enterprises shall cooperate with the international monitoring mechanisms related to the right to food (Committee on Economic, Social and Cultural Rights) and to this Code of Conduct.

Article 12: International monitoring and support mechanisms

12.1 Monitoring of the Code of Conduct
The international monitoring of the application and implementation of this Code of Conduct will be done by the High Commissioner of Human Rights, who shall safeguard own monitoring capacities in close cooperation with the Committee on Economic, Social and Cultural Rights. The High Commissioner of Human Rights will report regularly to the Human Rights Commission and the FAO-Council.

12.2 A Right to Food-Secretariat for the Monitoring
The monitoring will be supported by a Secretariat, which shall be established at the office of the High Commission of Human Rights (UNHCHR). All States, as well as relevant international organizations, whether governmental or non-governmental should actively cooperate with the UN-High Commissioner for Human Rights and the FAO in this work. The Right to Food Secretariat is established at the UNHCHR
(a) to assist the UN-High Commissioner of Human Rights in its activities;

(b) to assist states and other actors in implementing the right to food according to the guidelines provided by this code of conduct;

(c) to assist the Committee on ESCR in all questions related to the right to feed oneself in the states reports under the Covenant on ESCR. The Committee on ESCR should take into account this Code of Conduct when investigating states reports and assessing breaches of states' obligations under the International Covenant on ESCR.

(d) widely publishes and promotes this code of conduct;

(e) reports both achievements in following these guidelines as well as breaches of this code of conduct;

(f) considers individual complaints from Civil Society against breaches of this code of conduct and gives its observations and recommendations on these complaints;

(g) will take in its work due account of other monitoring efforts within the UN system including the work of the Committee on Economic, Social and Cultural Rights, the ILO, the FAO, IFAD etc.

(h) will assist in the drafting of future legal instruments implementing the right to food.

12.3 Non-State-Actors' involvement

Non-State Actors, especially non-governmental organizations shall be activly involved in the monitoring and reportings procedures related to the right to adequate food at the international level, like the reporting in the Committee on Economic, Social and Cultural Rights

12.4 Special Rapporteur for the Monitoring of the Right to Adequate Food
A special rapporteur on the right to adequate food shall be nominated by the High Commissioner on Human Rights to monitor the fulfillment and possible threats to the fulfillment of the right to adequate food.

12.5 Guidance for other instruments
The Code shall be a base of guidance for all further developed multilaterial agreements including investment rules.